

To: Ajl, Diane[Ajl.Diane@epa.gov]
From: Ajl, Diane
Sent: Wed 2/5/2014 7:23:51 PM
Subject: Freedom Industries

Rachel –

Your inquiry about EPA authorities under Section 112(r) of the Clean Air Act regarding the Freedom Industries spill has been forwarded to me. Based on present information, the facility does not appear to be regulated under CAA Section 112(r)(7), 40 CFR Part 68, the Risk Management Program. We have no information that any substance listed in 40 CFR 68.130 was in a process at the facility (stationary source) in more than a threshold quantity. Additionally, current information suggests that neither MCHM nor PPH is “extremely hazardous,” and therefore storage and management of those chemicals would not, by itself, cause the facility to be subject to the General Duty Clause (GDC) under CAA Section 112(r)(1).